771 importance, and that their own profit and amusement lies much closer
659 to their hearts than the zeal of their mullahs. The Russian regime grants the Moslems absolute religious freedom, and General von Kauffmann has, in this connection, from the very beginning prohibited any sort of missionary activity and all proselytizing by Orthodox priests as well as missionaries of the other Christian faiths. He has even prevented the choice of Tashkent as the seat of the bishop of Turkestan in the interests of avoiding all possible friction between Moslems and Christians. Instead he relegated to Vernoye, /Alma Ata/ the capital of the province of Semirechiye, the population of which is almost exclusively Russian and Orthodox. Naturally General von Kauffmann is blamed for all this by the Orthodox clergy; the result has shown, however, how correctly he calculated. The tolerance exercised by the Russians toward the Moslems has not only not strengthened Islam in the Russian dominions of Central Asia, but on the contrary it has resulted in a striking indifference on the part of its followers, which one would not have believed possible among Moslems. During the entire fifteen years of my stay in Turkestan, not a single conflict between Moslems and Christian was acknowledged such as those often forthcoming in an India made insecure by English missionaries. Moslems and Christians get on as well with each other in Turkestan today, as one could wish from different Christian sects side by side. The Moslem dignitaries and men of rank take part spontaneously in church burials of Russian officials, and at the time of the last illness of General von Kauffmann, who was universally respected by the natives, the Moslem mullahs asked permission to pray for his recovery in the palace of the Governor General in company with the Russian priests.

8. The Administration of Justice.

671 The legal views of the sedentary population of Turkestan and those of the Kazakhs and other nomads are diametrically opposed; the former are much closer to our concepts of right and wrong. While the Kazakhs, as we have seen above, /in section not translated/ have views similar to the ancient Spartans and Teutons regarding mine and thine /210/ and recognize no difference between the civil and criminal nature of a crime, among the sedentary population theft is very strictly punished and a precise distinction is made between an offense which only involves harm to a fellow creature, and one directed at the social order. Actual written laws do not exist in the Central Asian

khanates. The shariat, that is, the Koran, tradition and the decisions 671
of the first caliphs together with their commentaries and a large number of cases of precedence, are laid down in an endless number of books, and these are considered the basis for all administration of justice. Therefore only men who have made the study of these books 693
their life's work, can be judges, that is, the mullahs; and thus they 692
play the roles of theologian and jurist simultaneously. In the Moslem states of Central Asia, there are for all matters of law two courts of law. the kazi (the same as the kadi among the Turks) and the beg or khan. The kazis judge all civil law matters of dispute, and can also decide all lesser offenses. At the same time they also function as notaries and registrars of births, marriages and deaths, so that to them falls the preparation of deeds of purchase and sale, of the contraction of loans, of marriages and divorces and the like. The kazis are appointed for life by the beg or khan himself, after they have passed an exhaustive examination on the shariat. The number of kazis is unlimited, and no particular district is assigned to any. Everyone turns with his request to the kazi in whom he has the greatest confidence. There are no special chambers of justice. Every kazi practices his profession in his dwelling, also in the market and in the gateway halls. The kazis have only one scribe (mirza) to assist them from whom no further knowledge is required than that he have good handwriting. All the pleading is done 'viva voce'. The decisions, however, are [695]
entered in a special book by the mirza, and then confirmed by the kazi by the affixing of his seal. Among the Central Asians it is not the custom at all to sign a document or even a letter, an act of which only a few are capable; instead they always affix their seal in poster colors, in place of a signature. The kazis do not receive a regular salary; their income is made up of the taxes which they collect in the performance of their office as well as of the occasional gifts which they receive at weddings and the like. Those who are not satisfied with the decision of the kazi may appeal to the beg, or in the capitals, to the khan or his deputy.

The beg makes the decision of the higher court himself; in particularly important and difficult cases it becomes the concern of an assembly of the kazis, which makes the decision under the chairmanship of the highest kazi /211/ or kazi-kalyan. This decision may be corroborated by the beg or again it may be reversed. In all the more important cases, especially the criminal cases, the beg decides himself. He alone has the right to decree the heavier corporal punishments or the death sentence when the khan does not reserve the approval of the death sentences for himself.